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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,010	02/11/2000	Monica M.W.M. Roosen	142-315P	4651
2292	7590	02/02/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/502,010

Applicant(s)

ROOSEN ET AL.

Examiner

Joseph R. Pokrzywa

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—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 21 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the reasons discussed in the attached action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

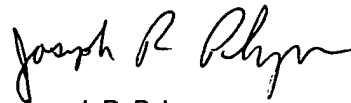
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Joseph R. Pokrzywa
Examiner
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DETAILED ACTION

Period for Reply

1. The period for reply continues to run 3 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

Response to Arguments

2. The request for reconsideration dated 12/21/04 has been entered and considered but does not overcome the rejection because of the following reasons.

3. In response to applicant's arguments regarding the rejection of **claims 1, 17, and 24**, which were cited in the Office action dated 9/22/04, as being anticipated by Toda (U.S. Patent Number 6,256,107), whereby applicant argues on page 3 that Toda fails to teach of a plurality of scanners and a request for a *digitized* document. While the examiner believes that there are differences in the current invention and what Toda teaches, one can still interpret Toda as teaching each of the limitations as the claims are currently worded. Particularly, the examiner notes that the digital copying machines taught by Toda each contain a scanner, and thus can be included in the interpretation of the limitation of "a plurality of scanners". As seen in Fig. 10,

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Toda teaches of using a plurality of scanners, wherein each of the copying machines 1a, 1b, and 1c include a scanner. Also, Fig. 10 includes a scanner 5. With this, Toda can be seen as having a plurality of scanners. Further, as is also seen in Fig. 10, the headings of each copying machine states "digital copying machine". Thus, any image data processed by a *digital* copying machine would inherently be a digitized document.

4. Continuing, in response to applicant's arguments on page 3 that state that Toda fails to teach of allocating a request for a digitized document (one complete job) to the scanner that accepts the request (single device) since Toda teaches of distributing a copy job to multiple copying machines. Further, applicant argues that Toda's allocating device has an active role, whereas the present invention has a passive role, waiting to receive an acceptance of a request to allocate. The examiner notes that the feature requiring the allocating device having an active or passive role is not found in the claims, and thus will not be addressed. As discussed above the copying machines can be interpreted as a plurality of scanners. Further, as read in column 14, line 53-column 15, line 48, Toda teaches of an input means for receiving a request for a digitized document, wherein the allocation request for a digitized document is received. Continuing, Toda teaches of receiving means for receiving from any one of the scanners (digital copying machines) an acceptance of the request as selected via the local operator control unit of that scanner (being the response commands from the machines, as read in column 15, lines 59 through 67).

Subsequently, in response to the acceptance (response command), a scan order for generation of the digitized document requested in the request is allocated to the scanner which sent the acceptance, as read in column 15, lines 53-column 16, line 46, wherein the scanned digitized document is generated at the digital copying machine which sent the response command.

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5. Therefore, the rejection of independent *claims 1, 17, and 24*, as well as each of the corresponding dependent claims, as cited in the Office action dated 9/22/04, under 35 U.S.C. 102(e) as being anticipated by Toda, is maintained.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
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jrp